

Aug-19-04 13:38

From-LAHIVE & COCKFIELD, LLP

6177424214

T-089 P.13/14 F-368

I hereby certify that this correspondence is being transmitted by facsimile to: MS After Final, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, at facsimile number (703) 872-9306 on the date shown below.

Dated August 19, 2004

Signature

[Handwritten Signature]
(John M. Cockfield)

Docket No.: IMI-040CP3
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Irwin J. Griffith *et al.*

Application No.: 08/737904

Filed: November 20, 1996

For: T CELL EPITOPES OF RYEGRASS POLLEN
ALLERGEN

Art Unit: 1644

Examiner: R. B. Schwadron

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AUG 19 2004

OFFICIAL

TERMINAL DISCLAIMER

MS After Final
Commissioner for Patents
P.O. Box 450
Alexandria, VA 22313-1450

Dear Sir,

The undersigned attorney of record hereby submits this terminal disclaimer on behalf of Heska Corporation, Fort Collins, Colorado, the assignee of all rights in the above-identified application and the assignee of all rights in U.S. Patent No. 5,710,126, as evidenced by an Agreement executed by ImmuLogic Pharmaceutical Corporation and Heska Corporation on December 13, 1999.

Pursuant to 35 U.S.C. §253 and 37 C.F.R. §1.321, Heska Corporation ("Assignee") hereby disclaims the terminal portion of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 5,710,126, entitled "T cell epitopes of ryegrass pollen allergen." Assignee also agrees that any patent so granted on the present application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 5,710,126, this agreement to run with any patent granted on this application and to be binding upon the grantee, its successors or assigns.

PTO/SB/22 (08-03)
 Approved for use through 7/31/2008. OMB 0651-0051
 U.S. Patents and Trademark Office, U.S. DEPARTMENT OF COMMERCE
 Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.138(a)		Docket Number (Optional) IMH-040CP3	
In re Application of <u>Irwin J. GRIFFITH et al</u>		CENTRAL FAX CENTER	
Application Number <u>08/737904-Conf. #5732</u>		Filed <u>November 20, 1996</u>	
For <u>T CELL EPITOPES OF RYEGRASS POLLEN ALLERGEN</u>			
Art Unit <u>1644</u>		Examiner <u>R. B. Schwadron</u>	

This is a request under the provisions of 37 CFR 1.138(a) to extend the period for filing a reply in the above identified application.

The requested extension and appropriate non-small-entity fee are as follows (check time period desired):

<input checked="" type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$ <u>110.00</u>
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$ <u> </u>
<input type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$ <u> </u>
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$ <u> </u>
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$ <u> </u>

☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$

☐ A check in the amount of the fee is enclosed

☐ Payment by credit card. Form PTO-2038 is attached.

☒ The Director has already been authorized to charge fees in this application to a Deposit Account.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 12-0080

I have enclosed a duplicate copy of this sheet.

I am the ☐ applicant/inventor
☐ assignee of record of the entire interest. See 37 CFR 3.71.
 Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).
☐ attorney or agent of record. Registration Number
☒ attorney or agent under 37 CFR 1.34(a).
 Registration number if acting under 37 CFR 1.34(a) 41,710

August 18, 2004
 Date

(617) 227-7400
 Telephone Number

Jeanne M. DiGiorgio
 Signature

Jeanne M. DiGiorgio
 Typed or printed name

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of 1 forms are submitted.

I hereby certify that the correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (703) 872-9306, on the date shown below.

Dated, August 19, 2004

Signature Jeanne M. DiGiorgio

(Jeanne M. DiGiorgio)

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